

# MEMORANDUM

Agenda Item No. 3(A)(4)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners


**DATE:** September 7, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution declaring one non-running 2002 Dodge Ram 3500 passenger van surplus; authorizing its donation to The Teaching Heart Foundation; and authorizing the County Mayor to execute a community based organization agreement, to exercise any and all other rights conferred therein and to take any and all actions necessary to effectuate the foregoing

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

  
\_\_\_\_\_  
Abigail Price-Williams  
County Attorney

APW/smm



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** September 7, 2016

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County Attorney

**SUBJECT:** Agenda Item No. 3(A)(4)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 3(A)(4)  
9-7-16

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DECLARING ONE NON-RUNNING 2002 DODGE RAM 3500 PASSENGER VAN SURPLUS; AUTHORIZING ITS DONATION TO THE TEACHING HEART FOUNDATION; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A COMMUNITY BASED ORGANIZATION AGREEMENT, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE FOREGOING

**WHEREAS**, the vehicle described below is owned by Miami-Dade County; and

**WHEREAS**, the vehicle is obsolete, and its continued usage by Miami-Dade County is uneconomical and inefficient and the vehicle serves no useful purpose; and

**WHEREAS**, The Teaching Heart Foundation, (the "Donee") desires to use the vehicle only within Miami-Dade County to enhance its ability to provide services to its constituents, for the purpose outlined in the attached community based organization agreement; and

**WHEREAS**, the Donee is a private non-profit agency as defined in Section 273.01(3) of the Florida Statutes, and is exempt from federal income taxation by virtue of Section 501 of the Internal Revenue Code; and

**WHEREAS**, the Donee is an eligible community based organization, as defined in Section 2-11.2.1 of the Code of Miami-Dade County; and

**WHEREAS**, Miami-Dade County's Internal Services Department has complied with the requirements of Section 2-11.2.1, by offering the vehicle to other Miami-Dade County departments and agencies, none of which accepted the vehicle; and

**WHEREAS**, the vehicle is eligible for donation under Section 274.05 of the Florida Statutes, and Section 2-11.2.1 of the Code of Miami-Dade County,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that:

**Section 1.** This Board declares the following vehicle, with the listed residual value and other characteristics, to be surplus pursuant to Section 274.05 of the Florida Statutes, and Section 2-11.2.1 of the Code of Miami-Dade County:

<u>Item</u>	<u>I.D. No.</u>	<u>Condition</u>	<u>Mileage</u>	<u>Est.Value</u>
DC# 26436				
2002 Dodge Ram 3500 Passenger Van	2B5WB35Z72K127027	Non-running	61,828	\$3,584.00

**Section 2.** This Board authorizes donation of the vehicle to the Donee, and authorizes the County Mayor or County Mayor's designee to execute the community based organization agreement in substantially the form attached hereto and incorporated herein by this reference and to exercise any and all other rights conferred therein. The Donee shall take possession of the vehicle within 60 days of the effective date of this resolution and shall promptly cause title to said vehicle to be transferred to Donee. Donee shall be responsible for any and all costs of transferring the vehicle. The County Mayor or County Mayor's designee shall and is hereby authorized to take any and all actions necessary to effectuate the intent of this Resolution.

**Section 3.** If, for any reason, the Donee fails to take possession of the vehicle within 60 days of the effective date of this resolution or fails to transfer title, then this resolution shall be null and void, and the ownership rights to the vehicles shall remain with the County.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of September, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Daija Page Lifshitz

MIAMI-DADE COUNTY  
SURPLUS PROPERTY ALLOCATION APPLICATION

Attachment A

COUNTY SURPLUS PROPERTY ALLOCATIONS REQUESTED THROUGH THIS PROCESS ARE NOT EFFECTIVE UNTIL APPROVED BY ACTION OF THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO THE MIAMI-DADE COUNTY HOME RULE CHARTER

Please complete and sign the following form and submit it along with requested documents to your sponsoring Commissioner. Once accepted, the sponsoring Commissioner will submit the documents to:

Internal Services Department-Fixed Assets Manager  
2225 N. W. 72 Ave  
Miami, FL 33122

Phone: (305) 592-3752  
Fax: (305) 592-3616

1. Full legal name of the requesting organization: The Teaching Heart Foundation

2. Applicant Status: (Select one of the choices below)



Not-For-Profit or Tax Exempt  
For-Profit  
Other (specify): \_\_\_\_\_



Local Government or Public Entity

\*\*If Not-For-Profit or Tax Exempt, please attach a copy of letter from Internal Revenue Service designating status under 501c code.

3. Name and contact information for single point of contact (address, phone, fax, e-mail address, etc.): (786) 419-1381 Linda Deilma

4. Specify the surplus property requested (quantify, if applicable): 1 (Make, model, and VIN # of vehicle being donated)  
\_\_\_\_ (If requested property is not a vehicle, please include full description of the property) Make / 2002 Dodge Ram Wagon  
61,828 miles  
VIN # 2B5WB35272K121021

5. Specify the purpose for which the surplus property will be used: \_\_\_\_ (Explain how the property will be used to serve the community) \_\_\_\_

Please see attached Overview

I hereby certify that all the statements made in this application are true and correct.

Linda Deilma  
Signature of Authorized Representative

5/9/16  
Date

As you may be aware, the Florida Legislature has cut school funding which has directly impacted our program, We have been charged with the task of securing outside support for various activities.

Our program population has been designated low-income by Federal Standards, which requires the need for more community help. We at The Teaching Heart Foundation are proud of our reputation for providing quality education and services. We pride ourselves for putting together sound activities and events all year long i.e: food drives, promoting literacy, parenting workshops, book fairs, field trips and many other educational activities. With the help of our community partners such as yourself, we will continue to provide an opportunity for our Youth to develop at their greatest potential by focusing on building self-esteem, through educational and vocational opportunities as well as instilling community and civic pride in our young people,

Our Aftercare/Tutoring program has a great need for transportation, With a vehicle, we can make a greater impact on the youth in Miami Gardens, School transportation will be used to pick up and drop off students that come from low economic households to the tutoring and aftercare program, Unlike most aftercare programs, we offer wide variety of educational support that ranges from homework support, private tutoring, study skills, test preparation , sports and electives.

Additionally, transportation will allow our program to schedule trips and events that will give our students exposure to productive learning environments and activities. Our success is measured by Community Involvement, for it "takes a Village to raise a Child" Therefore , we feel that with your contribution of a discretionary vehicle will help us to increase the hopes and education for the future of OUR YOUTH.

### Community Based Organization Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and The Teaching Heart Foundation (hereafter "Donee") as follows:

For and in Consideration of the County donating Non-running 2002 Dodge 3500 Passenger Van to Donee, and Donee agreeing to the use and as described herein: Non-running Van with VIN # 2B5WB35Z72K127027 AS IS,

Donee certifies that it is a not-for-profit agency, group, organization, society, association, corporation, partnership or individual that provides a community service designed to improve or enhance the well-being of the community of Miami-Dade County at large or to improve or enhance the well-being of certain individuals within this community that have special needs.

Donee agrees that it shall predominantly utilize the donated surplus property for the intended use specified in section no. 5 of the "Surplus Property Allocation Application", attached hereto. (Attachment A) Moreover, this Community Based Organization (CBO) shall not resell or otherwise dispose of or transfer such property without prior County approval for a period of not less than three (3) years from the date of receipt of the surplus property. This three (3) year requirement may be waived administratively by the Mayor or designee upon showing that it is in the best interest of Miami Dade County. Upon the disposal of such property, Donee agrees to notify Miami Dade County. Upon the failure of the Donee to use the property as set forth in the "Surplus Property Allocation Application", or upon the Donee's attempt to dispose of or transfer the property prior to the expiration of the three (3) year period set forth herein, title to the surplus property shall immediately revert to the County and Donee shall immediately return possession of the property to the County.

The Donee agrees that it shall indemnify and hold harmless Miami Dade County, and its officers, employees, agents and instrumentalities et.al. from any and all liability, losses or damages, including attorney's fees and costs of defense, which the County or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the transfer of ownership, maintenance or use of the donated property or by subsequent acts by the Donee, its agents, employees, et.al., and/or the performance of this Agreement by the Donee or its employees, agents, servants, partners, principals. The Donee shall pay all claims and losses in connection therewith, and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the County, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon.



**Community Based Organization Donation Agreement**

"According to section 2-1076 of the Code of Miami-Dade County, Florida, Miami-Dade County has established the Office of the Inspector General which may, on a random basis, perform audits, inspections, and reviews of all County contracts. This audit is separate and apart from any other audit by the County."

The Teaching Heart Foundation  
Print Name of CBO

By: Linda Desilma  
Signature

Date: 5/9/16

Linda Desilma  
Printed Name

President  
Title

Miami-Dade County:

By: \_\_\_\_\_

Date: \_\_\_\_\_

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **MAY 24 2016**

THE TEACHING HEART FOUNDATION  
1331 NW 191 ST  
MIAMI, FL 33169-3431

Employer Identification Number:  
81-1519237  
DLN:  
26053540002696  
Contact Person:  
CUSTOMER SERVICE ID# 31954  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Public Charity Status:  
509(a)(2)  
Form 990/990-EZ/990-N Required:  
Yes  
Effective Date of Exemption:  
February 15, 2016  
Contribution Deductibility:  
Yes  
Addendum Applies:  
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

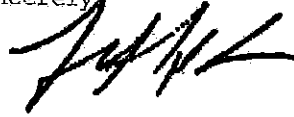
If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 5436

THE TEACHING HEART FOUNDATION

Sincerely

A handwritten signature in black ink, appearing to read 'J. Cooper', written over the word 'Sincerely'.

Jeffrey I. Cooper  
Director, Exempt Organizations  
Rulings and Agreements

Letter 5436

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**FLORIDA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES**  
**COMMISSIONER ADAM H. PUTNAM**

June 3, 2016

Refer To: DTN2819842

THE TEACHING HEART FOUNDATION  
1331 NW 191ST ST  
MIAMI, FL 33169-3431

RE: THE TEACHING HEART FOUNDATION  
REGISTRATION#: CH48369 EXPIRATION DATE: June 3, 2017

Dear Sir or Madam:

The Department has received your application submitted under Chapter 496, Florida Statutes, the Solicitation of Contributions Act. Effective July 1, 2013, qualified charitable organizations are exempt from the fee based registration if they meet the following criteria:

- \* The charitable organization or sponsor has less than \$25,000 in total revenue during the preceding fiscal year.
- \* The fundraising activities of the charitable organization or sponsor are carried on by volunteers, members, or officers who are not compensated and no part of the assets or income of the organization or sponsor inures to the benefit of or is paid to any officer or member of the above named charitable organization or sponsor.
- \* The charitable organization or sponsor does not utilize a professional fundraising consultant, professional solicitor, or commercial co-venturer.

Based on the information provided, it appears your organization is not subject to the fee based registration and has complied with the filing requirements of s. 496.406.

PLEASE NOTE: If circumstances change, and you no longer meet one or more of the above listed qualifiers during this exemption period, you must submit a registration application with all required attachments and fees within 30 days of the qualifying change.

Every charitable organization or sponsor which is required to file under s. 496.406 must conspicuously display the registration number issued by the Department and in capital letters the following statement on every printed solicitation, written confirmation, receipt, or reminder of a contribution:

"A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE (800-435-7352) WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE."

The Solicitation of Contributions Act requires an annual renewal to be filed on or before the date of expiration of the previous exemption. The Department will send a renewal package approximately 35 days prior to the date of expiration shown above. A COPY OF THIS LETTER SHOULD BE RETAINED FOR YOUR RECORDS. If we may be of further assistance, please contact the Solicitation of Contributions Section.

Sincerely,

*Cheryl Fralick*

Cheryl Fralick  
OPS Regulatory Consultant  
850-410-3771  
Fax: 850-410-3804  
E-mail: [cheryl.fralick@freshfromflorida.com](mailto:cheryl.fralick@freshfromflorida.com)

**Exempt Organizations Select Check**[Exempt Organizations Select Check Home](#)

Organizations Eligible to Receive Tax-Deductible Charitable Contributions (Pub. 78 data) - Search Results

The following list includes tax-exempt organizations that are eligible to receive tax-deductible charitable contributions. Click on the "Deductibility Status" column for an explanation of limitations on the deductibility of contributions made to different types of tax-exempt organizations.

Results are sorted by EIN. To sort results by another category, click on the icon next to the column heading for that category. Clicking on that icon a second time will reverse the sort order. Click on a column heading for an explanation of information in that column.

1-1 of 1 results

Results Per Page  

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<u>EIN</u> ▲	<u>Legal Name (Doing Business As)</u> ▲	<u>City</u> ▲	<u>State</u> ▲	<u>Country</u> ▲	<u>Deductibility Status</u> ▲
81-1519237	Teaching Heart Foundation	Miami	FL	United States	PC

« Prev | 1-1 | Next »

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**Jiron, Obed (ISD)**

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**From:** Miami-Dade-County <donotreply@miamidade.gov>  
**Sent:** Friday, July 15, 2016 1:55 PM  
**Subject:** Notice of Surplus of County Property

Item-----Condition  
26436/2002 Dodge Ram 3500 Pass Van----Non-running  
24670/2001 Dodge Ram 3500 Pass Van----Fair to Poor  
26433/2002 Dodge Ram 3500 Pass Van----Fair to Poor

ALL COUNTY DEPARTMENTS THAT MAY HAVE AN OPERATIONAL USE FOR THESE ITEMS, OR, APPLICABLE GOVERNMENTAL ENTITIES AND NOT-FOR-PROFIT AGENCIES THAT ARE SEEKING DONATION OF ANY OF THESE ITEMS MUST CONTACT Mr. Obed Jiron at [obedj@miamidade.gov](mailto:obedj@miamidade.gov) TO COORDINATE VIEWING AND ALLOCATION OF THE ITEM(S). THE DEADLINE FOR VIEWING AND ALLOCATION OF THE ITEM(S) IS: Friday, 07/22/2016

MOREOVER, PURSUANT TO SECTION 2-11.2.1 OF THE CODE OF MIAMI-DADE COUNTY, ITEMS WILL BE ALLOCATED IN THE FOLLOWING ORDER OF PREFERENCE:

First, to the Parks and Recreation Department at no cost for use in the Department's preventative programs; and thereafter, to other County Departments and agencies at no cost for use in Miami-Dade County. The County shall thereafter offer such surplus property by sale or donation to other governmental units located within Miami-Dade County for use in Miami-Dade County or shall have the discretion to offer the property to eligible community based organizations by sale or donation.

To unsubscribe from these emails please follow the following steps:

1. From ISD Website under County Store select Auction Mail tab (Green button to the right)  
<http://www.miamidade.gov/internalservices/county-store.asp>
2. Enter Registered Email to update and click submit
3. Scroll down page, and Select Unsubscribe, then click Update Button. Done !